

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**August 1, 2005**

DIVISION ONE

[illegible]

The judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.  
Vogel (Miriam A.), J.

B179322 Benjamin G., (Certified for Publication)  
v.  
Special Education Hearing Office  
Long Beach Unified School District

The judgment is reversed, and the cause is remanded to the trial court with directions to vacate its order sustaining the demurrer without leave to amend, enter a new order overruling the demurrer, and promptly set the matter for hearing on Benjamin's petition for a writ of mandate. Benjamin is awarded his costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Mallano, J.

August 1, 2005 (Continued)

DIVISION THREE

B180862 People (Not for Publication)  
v.  
Webster

The judgment is affirmed.

Klein, P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

DIVISION FIVE

B172823      Lewis Frank Mascola et al      (Not for Publication)  
v.  
Bay Cities National Bank

The judgment is affirmed. Respondent(s) to recover costs.

Mosk, J.

We concur:   Turner, P.J.  
                      Armstrong, J.

B178663 People (Not for Publication)  
v.  
Kevin Castillo

The judgment is affirmed.

Mosk, J.

We concur:   Turner, P.J.  
                      Kriegler, J.

DIVISION FIVE (Continued)

B175934      Paul Dutton                      (Not for Publication)  
                 v.  
                 Sylvia Boyer

The orders awarding the Duttons title by adverse possession to the land under the cabana is affirmed. The order awarding the Duttons a prescriptive easement to so much of Boyer's property as will satisfy the setback requirements of the City of Glendale is reversed. The parties are to bear their own costs on appeal.

Armstrong, Acting P.J.

We concur:   Mosk, J.  
                 Kriegler, J.

B180053      Los Angeles County, D.C.S.                      (Not for Publication)  
                 v.  
                 Richard H.  
                 In re Dakota H.

The judgment is reversed.

Armstrong, Acting P.J.

We concur:   Mosk, J.  
                 Kriegler, J.

B176522      Hotels Nevada, LLC  
                 v.  
                 Bridge Bank

Filed order modifying opinion. (No change in the judgment)

August 1, 2005 (Continued)

DIVISION SIX

B173651 People (Not for Publication)  
v.  
May

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.  
Perren, J.

B179106      People  
v.  
Marron

Filed order denying petition for rehearing.

B174405 Frost et al., (Not for Publication)  
v.  
Gurewitz et al.,

The judgment is affirmed. The trial court is directed to order removal of the lis pendens, if it still remains, and to dissolve the preliminary injunction against building the fence, which it issued pending "finalization of appeal." Costs are awarded to respondents.

Perren, J.

We concur: Yegan, Acting P.J.  
Coffee, J.

August 1, 2005 (Continued)

## DIVISION SIX (Continued)

B179317 People v. Smith (Not for Publication)

---

The judgment (order of commitment) is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.  
Coffee, J.

## DIVISION EIGHT

B178576      Rosenthal      (Not for Publication)  
v.  
Lieber

The judgment is affirmed. Lieber shall recover his costs on appeal.

Rubin, J.

We concur: Cooper, P.J.  
Boland, J.

August 1, 2005 (Continued)

DIVISION TWO

**Add to the Minutes of July 20, 2005**

7-20-05

127599-05

The **HONORABLE STEVEN C. SUZUKAWA**, Judge of the Superior Court of California, County of Los Angeles, is hereby assigned to assist the Court of Appeal, Second Appellate District, **Division Two**, as a justice thereof, on the following dates:

**August 10, 2005 to August 31, 2005**

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

Dated: July 20, 2005

Ronald M. George  
Chief Justice of California and  
Chairperson of the Judicial Council